

UNITED STATES DISTRICT COURT
District of New Hampshire

U.S. DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

OCT 04 2012

FILED

UNITED STATES OF AMERICA

v.

Frederick McMenimen, III

Defendant

ORDER SETTING CONDITIONS
OF RELEASE

Case Number: 12cr130-01-SM.

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- [X] 1. The defendant shall not commit any offense in violation of federal, state, or local law while on release in this case.
- [X] 2. The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- [X] 3. The defendant shall immediately advise the court, defense counsel, and the U.S. Attorney in writing before any change in address and telephone number.
- [X] 4. The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed or as directed.
- [] 5. The defendant shall appear at U.S. District Court, 55 Pleasant St., Concord, NH on _____
_____ at _____ for _____ and when and where as ordered by the Court.
- [] 6. The defendant shall sign an Appearance Bond, if ordered.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

7. The defendant is placed in the custody of (address to be redacted from electronic version of document entered on CM/ECF):

_____ Tel: _____

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
Custodian or Proxy

8. The defendant shall:

- (a) report on a regular basis as directed by the supervising officer.
- (b) maintain or actively seek employment.
- (c) refrain from possessing a firearm, destructive device, or other dangerous weapons.
- (d) surrender any firearm(s) to Clerk, U.S. District Court, 55 Pleasant St., Concord, NH.
- (e) surrender any passport to Clerk, U.S. District Court, 55 Pleasant St., Concord, NH.
- (f) obtain no passport.
- (g) submit to any method of testing required by the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.
- (h) refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is (are) required as a condition(s) of release.
- (i) meaningfully participate in and complete a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
- (j) be detained until he/she can be released directly into an inpatient treatment facility. Further hearing to be held upon the completion of the program or upon the failure to meaningfully participate in and complete the program.
- (k) restrict travel to the State(s) of New Hampshire *and Massachusetts and RI*. Any other travel must be pre-approved by the supervising officer. *Janet Beals, Susan Blagstaff, and Patricia McKishes*
- (l) avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to: *With the exception of defense attorney (Frederick V. J. Morrison, Jr.)*
- (m) have no unsupervised contact with any minor children.
- (n) refrain from [] any [] excessive use of alcohol.
- (o) participate in the following home confinement program components and abide by all the requirements of the program:
 - (1) Curfew: You are restricted to your residence every day [] from _____ to _____, or [] as directed by the supervising officer, or

Additional Conditions of Release

- (2) Home Detention: You are restricted to your residence at all times except for employment, education, religious services, medical, substance abuse or mental health treatment, attorney visits, court appearances, court-ordered obligations, or other activities as pre-approved by the supervising officer; or
- (3) Home Incarceration. You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the supervising officer.
- (4) the home confinement program will include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the supervising officer.
- (p) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- (q) participate in a mental health program which shall include medical, psychological, or psychiatric treatment as directed by the supervising officer.
- (r) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property: _____.
- (s) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money: _____.
- (t) execute a bail bond with solvent sureties in the amount of \$_____.
- (u) maintain or commence an education program.
- (v) maintain residence at a halfway house or community corrections center, as deemed necessary by the supervising officer.
- (w) report as soon as possible, to the supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- (x) comply with the following residential requirements or restrictions _____.
- (y) comply with the following employment requirements or restrictions _____.
- (z) Other: *Provide access to any requested financial information as requested by supervising officer; for current and/or prospective employer, & must disclose the nature of his pending legal charges.*

Special Conditions of Release

9. (a) participate in the following computer restriction or monitoring program:
 - (i) refrain from the possession or use of a computer or any internet capable device.
 - (ii) no access to the internet, and submit to the search of any computer owned or under the control of the defendant.
 - (iii) allow computer monitoring software or hardware to be installed on your computer which will be subject to periodic and unannounced examination by the supervising officer. These examinations may include retrieval and copying of data related to online use from the computer equipment and _____ any internal or external peripheral devices. The defendant shall pay for the cost associated with the monitoring program.
- (b) submit to search of person/residence/vehicle or office as requested by the supervising officer to determine whether you are in compliance with the conditions of release.
- (c) participate in a sex offender-specific assessment as directed by the supervising officer.
- (d) participate in sex offender-specific treatment as directed by the supervising officer.
- (e) provide access to any requested financial information as requested by the supervising officer.
- (f) do not incur any new credit charges or open any new lines of credit without pre-approval of the supervising officer.
- (g) return to custody each (week)day as of _____ after being released each (week)day as of _____ for employment, schooling or the following limited purpose(s) _____.
- (h) Other: _____

Advice of Penalties and Sanctions

TO THE DEFENDANT:
YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a federal offense while on pre-trial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony, or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment or a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to 10 years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim, or informant; to retaliate or attempt to retaliate against a witness, victim, or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

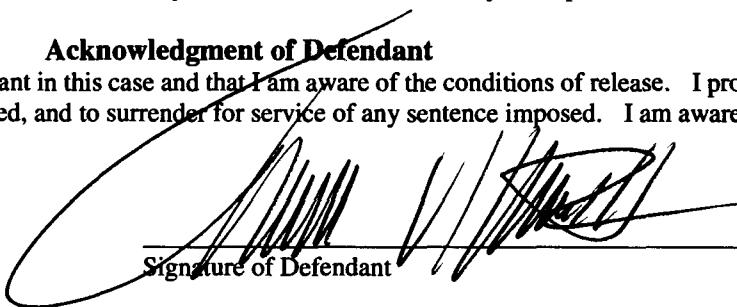
- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

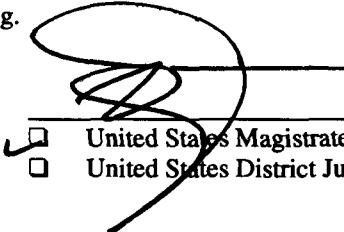
Date: 10-4-12


Signature of Defendant

Directions to United States Marshal

- The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judge at the time and place specified, if still in custody.
- The defendant is ORDERED released after processing.

Date: 10-4-12


 United States Magistrate Judge
 United States District Judge

cc: Defendant
 U.S. Attorney
 U.S. Marshal
 U.S. Probation
 Defense Counsel